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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

11 CHARLES GILCHRIST AND MATTHEW B. ) No. CV 07-5803-CRB  
12 HALLINAN, in their capacities as Trustees of )  
13 APARTMENT EMPLOYEES PENSION )  
14 TRUST FUND, and APARTMENT ) **PROOF OF SERVICE OF ORDER**  
15 EMPLOYEES WELFARE FUND, ) **SETTING CASE MANAGEMENT**  
16 Plaintiffs, ) **CONFERENCE**  
17 v. )  
18 PROFESSIONAL TECHNICAL SECURITY ) DATE: March 7, 2008  
19 SERVICES, INC. (PROTECH), a Delaware ) TIME: 8:30 a.m.  
20 Corporation, ) COURTRM: 8, 19<sup>th</sup> Floor  
21 ) 450 Golden Gate Ave.  
22 ) San Francisco, CA 94102  
23 Defendant. )

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## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

No. C 07-5803 -CRB**ORDER SETTING CASE MANAGEMENT CONFERENCE**

The above matter having been assigned to Judge Charles R. Breyer,

**IT IS HEREBY ORDERED**, pursuant to Rule 16, Federal Rules of Civil Procedure, and Civil Local rule 16, that a case management conference will be held before Judge Charles R. Breyer on Friday, 3/7/08 at 8:30 a.m., in Courtroom 8, 19th floor, 450 Golden Gate Avenue, San Francisco, California.

Lead trial counsel shall meet and confer not less than thirty (30) days in advance of the conference and shall file a joint case management statement in the form contained in the Civil Local rules as supplemented by this order not less than ten (10) days in advance of the conference.

If the conference is inconveniently scheduled, it may be rescheduled by stipulation and order to another date or time convenient to the Court's calendar.

At the conclusion of the conference, an order will be entered setting dates either for a further case management conference, or for close of discovery, pre-trial conference, and trial. Other orders regulating and controlling future proceedings may be entered.

Plaintiff(s) shall serve copies of this order at once on all parties to this action, and on any parties subsequently joined, in accordance with Federal Rules of Civil Procedure 4 and 5. Following service, plaintiff(s) shall file a certificate of service with the Clerk of this Court.

1 SUPPLEMENTAL TO INITIAL CASE MANAGEMENT STATEMENT  
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3       1. At the initial case management conference, the parties or at least one attorney of  
4 record for each party must appear in person. See FRCP 26(f) ; Civil LR 16-10(a).  
5       2. The case management statement may not exceed ten pages. It should briefly describe  
6 the parties' controversy. Any party seeking damages must set forth in the statement  
7 the amount sought and the basis for its calculation.  
8       3. If the case was removed from a state court, and the applicable state law has not  
9 required the parties to make an express demand for a jury trial at the time of removal,  
10 any party claiming right to a jury trial must make the request therefor within ten days  
11 after service of the notice of removal. FRCP 81 (c).  
12       4. **NOTICE TO PRO SE LITIGANTS IN NON-PRISONER ACTIONS:**

13              If you are proceeding in this lawsuit without an attorney, then the following  
14 directives apply to you in the prosecution of your case.

15              The court hereby ORDERS you to comply with the service requirements of  
16 Rule 4 of the Federal Rules of Civil Procedure as set forth below. Failure to follow  
17 the procedures set forth in this order may result, under Rule 4 (m), in dismissal of  
18 your case.

19              It is your responsibility to obtain a valid summons from the clerk and to  
20 effect service of the summons and complaint on all defendants in accordance with  
21 Rule 4 of the Federal Rules of Civil Procedure. If you have named the United States  
22 government, a federal agency, a federal official or a federal employee as a defendant,  
23 you must comply with the special requirements of Rule 4 (i).

24              Service may be effected by any person who is not a party and who is at least  
25 18 years of age, which means that you, as a party, may not effect service. If service of  
26 the summons and complaint is not made upon a defendant within 120 days after the  
27 filing of the complaint, your action will, under Rule 4 (m), be dismissed as to that  
28 defendant.

1           Within 125 days after the filing of the complaint, you must file proof  
2 of service indicating which defendants were served within the 120 days allowed  
3 under Rule 4 (m) and showing, in accordance with Rule 4 (l), how each of those  
4 defendants was served (for example, by attaching appropriate certificates of  
5 service). You must also show cause why a defendant not served within the 120  
6 days allowed under Rule 4 (m) should not be dismissed without prejudice. Failure  
7 to do these things within the designated time will result in the dismissal of your case  
8 under Rule 4 (m) and Rule 41 (b).

9           5. **NOTICE FOR AMERICANS WITH DISABILITIES ACT LITIGATION:**

10          If this action seeks accommodation or other relief, including attorney fees,  
11 pursuant to Title III of the Americans with Disabilities Act, 42 USC § 12191-  
12 89, the court ORDERS, pursuant to FRCP 16, the following:

13          a.       Each plaintiff shall, pursuant to FRCP 4 (m), forthwith complete  
14 service on any unserved defendant;  
15          b.       Discovery, except for initial disclosures required by FRCP 26 (a), and  
16 all other proceedings are until further order STAYED;  
17          c.       If not previously done, each plaintiff shall forthwith serve upon each  
18 defendant a demand for accommodation and statement of attorney fees  
19 incurred to date (42 USC § 12205; Hensly v Eckerhart, 461 US 424,  
20 429-30, 433-37 (1983));  
21          d.       Each defendant shall, no later than the date for the conference of the  
22 parties specified above, serve a response to the demand for  
23 accommodation;  
24          e.       The joint case management statement shall contain, in addition to the  
25 information called for by FRCP 26 (f), the information set forth in  
26 paragraphs c and d.

1           Sanctions. **FAILURE TO COMPLY WITH THIS ORDER** may be deemed  
2 sufficient grounds for dismissal of this cause, default or other appropriate sanctions. See Federal  
3 Rules of Civil Procedure 16(f), 41 (b); Civ LR 1-4.

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5           **IT IS SO ORDERED.**

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9           Dated: June 22, 2004

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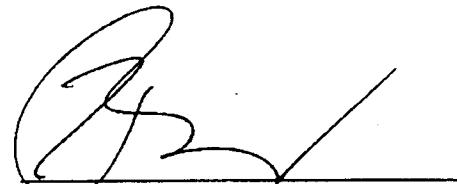
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CHARLES R. BREYER  
UNITED STATES DISTRICT JUDGE

1                   **PROOF OF SERVICE**

2                   I am a citizen of the United States, and a resident of the State of California. I am over the  
 3 age of eighteen years, and not a party to the within action. My business address is 1001 Marina  
 4 Village Parkway, Suite 200, Alameda, California 94501-1091. On February 28, 2008, I served  
 5 upon the following parties in this action:

6                   Professional Technical Security Services, Inc.  
 7                   Attn: Sergio Reyes, Jr. – Agent for Service of Process  
 8                   625 Market Street, 9<sup>th</sup> Floor  
 9                   San Francisco, CA 94105

10                  copies of the document(s) described as:

11                 **ORDER SETTING CASE MANAGEMENT CONFERENCE**

12                  **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope,  
 13 addressed as indicated herein, and caused each such envelope, with postage thereon fully  
 14 prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar  
 15 with the practice of Weinberg, Roger & Rosenfeld for collection and processing of  
 16 correspondence for mailing, said practice being that in the ordinary course of business, mail  
 17 is deposited in the United States Postal Service the same day as it is placed for collection.

18                  **BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a  
 19 sealed envelope, addressed as indicated herein, and caused the same to be delivered by  
 20 hand to the offices of each addressee.

21                  **BY OVERNIGHT DELIVERY SERVICE** I placed a true copy of each document listed  
 22 herein in a sealed envelope, addressed as indicated herein, and placed the same for  
 23 collection by Overnight Delivery Service by following the ordinary business practices of  
 24 Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice  
 25 of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery  
 26 Service correspondence, said practice being that in the ordinary course of business,  
 27 Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service  
 28 offices for next day delivery the same day as Overnight Delivery Service correspondence is  
 placed for collection.

29                  **BY FACSIMILE** I caused to be transmitted each document listed herein via the fax  
 30 number(s) listed above or on the attached service list.

31                 I certify that the above is true and correct. Executed at Alameda, California, on  
 32 February 28, 2008.

33                   
 34                 LL. Aranda